

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Nineteenth meeting of the Plants Committee
Geneva (Switzerland), 18-21 April 2011

Non-detriment findings

PROPOSAL FOR THE IMPLEMENTATION OF DECISION 15.24

1. This document has been prepared by the interim Chairs of the Animals and Plants Committees and the Secretariat.
2. At the 15th meeting of the Conference of the Parties (CoP15, Doha, 2010), in response to Decision 14.50, the Animals and Plants Committees presented a review of the International Expert Workshop on Non-Detriment Findings held in Cancun, Mexico, from 17 to 22 November 2008 (see document CoP15 Doc. 16.2.2). The Conference accepted the Committees' proposal to consider the report of the Cancun workshop as the discussion paper on this subject requested in Decision 14.50.
3. As a result of this report, the Conference adopted:

15.23 Directed to Parties

Parties are encouraged:

- a) *to consider the outputs of the International Expert Workshop on Non-Detriment Findings (Cancun, November 2008) to enhance CITES Scientific Authorities' capacities, particularly those related to the methodologies, tools, information, expertise and other resources needed to formulate non-detriment findings;*
- b) *taking into account Resolution Conf. 10.3, to prioritize activities such as workshops on capacity building to better understand what non-detriment findings are and how to enhance the ways to formulate them; and*
- c) *to report their findings regarding paragraphs a) and b) above at the 25th and 26th meetings of the Animals Committee and 19th and 20th meetings of the Plants Committee.*

15.24 Directed to the Animals and Plants Committees

The Animals and Plants Committees shall:

- a) *review feedback received from Parties on the outputs from the International Expert Workshop on Non-Detriment Findings and advise on a path forward on how best to use the outputs to assist Scientific Authorities in the making of non-detriment findings;*
- b) *prepare a discussion paper for consideration at the 16th meeting of the Conference of the Parties (CoP16) with options on how to use the workshop outputs, including, if considered appropriate, a*

draft resolution on the establishment of non legally binding guidelines for the making of non-detriment findings;

- c) *review the non-detriment finding training materials used by the CITES Secretariat when conducting regional capacity-building workshops and provide advice for their improvement; and*
- d) *taking account of the results of the International Expert Workshop on Non-detriment Findings (Cancun, November 2008) and the responses to Notification to the Parties No. 2009/023 of 8 June 2009:*
 - i) *establish the mechanism for reporting from the Parties on their findings in an open and intersessional process;*
 - ii) *prepare draft guidance on the making on non-detriment findings at their 25th and 19th, and 26th and 20th meetings respectively;*
 - iii) *submit this draft guidance to the Secretariat to be conveyed to Parties for comment in a Notification to the Parties; and*
 - iv) *review comments received from Parties and prepare revised draft guidance as a tool for making non-detriment findings for submission and consideration at CoP16.*

4. The Committees provided guidance for Parties submitting reports under Decision 15.23 in Notification to the Parties No. 2011/004 of 6 January 2011. The Secretariat has provided copies of the reports received in document PC19 Doc. 10.2.
5. The results of the Cancun workshop and the responses to Notification to the Parties No. 2009/023 referred to in Decision 15.24, paragraph d), are found in document CoP15 Doc. 16.2.2, Annexes A and B respectively.
6. The interim Chairs of the scientific committees and the Secretariat understand that the "non legally binding guidelines for the making of non-detriment findings" referred to in paragraph b) of Decision 15.24 are the same as the "guidance on the making on non-detriment findings" mentioned in subparagraph d) ii). To be able to consider at their 2012 meetings the comments from Parties called for in Decision 15.24, subparagraphs d) iii) and iv), the scientific committees will need to draft these guidelines by the end of 2011 at the latest.
7. At its 18th meeting (PC18, Buenos Aires, March 2009), the Plants Committee agreed on the text of a draft resolution on non-detriment findings. This draft resolution was presented at the 24th meeting of the Animals Committee (Geneva, April 2009) in document AC24 Doc. 9 Addendum, but the Animals Committee had little time to consider it and decided that it was too early to prepare a resolution on non-detriment findings. Since that time, the matter has been discussed by the Conference of the Parties, which again has directed the Animals and Plants Committees to draft a resolution on the establishment of non-legally binding guidelines for the making of non-detriment findings, if considered appropriate.
8. The interim Chairs of the Animals and Plants Committees and the Secretariat consider that the draft resolution produced at PC18 would form a good basis for further discussion and could be used to provide some generic guidelines which would be helpful to Scientific Authorities in discharging their functions under Article III, paragraphs 2. a) and 5 a), and Article IV, paragraphs 2 (a), 3 and 6 (a), of the Convention. The draft resolution produced by PC18 is attached as an Annex to the present document.
9. The Committee is requested to:
 - a) consider whether a further discussion paper on non-detriment findings should be prepared or whether Annex A of document CoP15 Doc. 16.2.2 should be submitted again at CoP16; and
 - b) decide whether the draft resolution in the Annex to the present document forms a suitable basis for discussions about the draft guidance as a tool for making non-detriment findings, which the scientific committees must submit at CoP16 in accordance with Decision 15.24. If the Committee agrees, it could establish an intersessional working group to work with the Animals Committee in the preparation of a revised draft of this guidance, to be sent to the Parties for comment via the Notification to the Parties referred to in paragraph d) iii) of Decision 15.24.

DRAFT RESOLUTION Conf. 15.XX

Non-Detriment Findings

RECOGNIZING that according to Articles II, III, and IV of the Convention, Parties shall only allow trade in specimens of species included in Appendices I and II in accordance with its provisions. It is required that an export permit shall only be granted when a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of the species being traded (i.e. non-detriment finding or NDF), which shall be considered an essential requirement for CITES implementation.

Furthermore, in Resolution Conf. 10.3 (Designation and role of the Scientific Authorities), the Conference of the Parties recommends that:

- c) Management Authorities not issue any export or import permit, or certificate of introduction from the sea, for species listed in the Appendices without first obtaining the appropriate Scientific Authority findings or advice [NDF];

and

- h) the findings and advice of the Scientific Authority of the country of export be based on the scientific review of available information on the population status, distribution, population trend, harvest and other biological and ecological factors, as appropriate, and trade information relating to the species concerned;

On the basis stated above, Scientific Authorities of exporting countries, and sometimes also of importing countries, are continually challenged to define whether a particular export will be detrimental to the survival of a species and therefore it is important to have documented guidelines and methodologies to assist in making non-detriment findings to improve the implementation of the Convention.

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

- a) Parties consider the following guiding principles in advising that trade will not be detrimental to the survival of a species, known as making non-detriment finding:
 - i) The non-detriment (NDF) for Appendix I and II species verifies that traded volumes within the range state are not detrimental to the survival of that species.
 - ii) The NDF considers whether the species is maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs.
 - iii) The data requirements for an NDF are tailored to appropriate precision according to the resilience or vulnerability of the target species.
 - iv) The implementation of an adaptive management scheme based on regular monitoring is an important consideration in the NDF evaluation process.
 - v) The NDF is based on resource assessment methodologies.
 - vi) The NDF employs appropriate broad-scale assessment, such as total harvest assessments.
- b) Parties consider the guidance for making non-detriment findings, including taxon-based guidance (Annex I) and guidance for timber and *Prunus africana*, medicinal plants, and agarwood (Annex 2); and
- c) Parties use additional information provided by the International Expert Workshop on CITES Non-detriment Findings, including 60 case studies, by referring to the workshop website:

http://www.conabio.gob.mx/institucion/cooperacion_internacional/TallerNDF/taller_ndf.html